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Supreme Court, U.S.
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No. _____

OFFICE OF THE

In The

Supreme Court of the United States

Walt Chappell — **Petitioner**
In Interest of A.M.K. — **A Minor Child**

vs.

Linda Meese — **Respondent**
Robert Kabat — **Respondent**

On Petition for Writ of Certiorari to the Colorado Supreme Court

SUPPLEMENTAL APPENDIX

APPEN.	DESCRIPTION
A--p.3 10/12/95	Colorado Court of Appeals--Opinion denying that Walt Chappell is the legal father of his biological son, A.M.K. under the Uniform Parentage Act.
B--p.11 01/11/96	Colorado Court of Appeals--denied Rehearing
C--p.12 07/29/96	Colorado Supreme Court denied Paternity Writ
D--p.13 10/01/96 ***** *****	Arapahoe County District Attorney finds evidence and charges the Court Reporter with falsifying and leaving out **41%** of the Trial Transcript on Appeal. (Note: Sandra Kay Noblitt has plead guilty to the charges, sentenced to 4 months in jail and must pay a substantial fine. The Colorado Court of Appeals did **not** have a **"complete and accurate" transcript** during Petitioner's Paternity Appeal.)

24 pp

E--p.14 10/24/96	Colorado Supreme Court denies Motion for New Trial WITHOUT Prejudice to file appropriate pleading in Arapahoe County District Court
F--p.15 04/23/98	Colorado Court of Appeals denial of Appeal for a New Trial--*Unpublished Opinion*
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APPENDIX A--DENIAL THAT WALT CHAPPELL IS THE LEGAL FATHER OF HIS BIOLOGICAL SON

COLORADO COURT OF APPEALS
October 12, 1995
No. 91CA1628

W.C., Petitioner-Appellant,

In the Interest of A.M.K., a Child,
and Concerning R.K., Respondent-Appellee

Appeal from the District Court of Arapahoe County
Honorable Joyce Steinhardt, Judge
Honorable John Leopold, Judge
No. 89JV377

Division V JUDGMENT AFFIRMED
Opinion by JUDGE ROY
Davidson and Casebolt, JJ., concur

W.C., Pro Se

Allen, Rogers, Metcalf & Vahrenwald, Russell B. Sanford,
Fort Collins, Colorado, for Respondent-Appellee

Petitioner, W.C., appeals from the judgment of the trial court denying his claim to a parent and child legal relationship between himself and A.M.K., his biological son (child).

Petitioner also challenges the trial court's finding of, and its refusal to terminate, a parent and child relationship between child and respondent, R. K. (husband), who was married to child's natural mother at the time of child's conception and birth. He also appeals the trial court's award of costs and attorney fees.

We affirm.

Child was born January 22, 1982, to mother while she was married to husband. During mother's pregnancy, both mother and petitioner suspected that petitioner was child's biological father as they had engaged in sexual intercourse near the time of conception. Both petitioner and husband were called to the hospital at the time of birth. After the birth of child, petitioner did not claim paternity and no proceeding was commenced by either mother or any other interested person to establish his paternity.

Husband believed that he was child's father, held child out to the public as his child, and had his name placed on child's birth certificate. The marriage between mother and husband was subsequently dissolved in April 1984 in a proceeding in which the child was alleged to be an issue of the marriage. Mother and husband entered into a written separation agreement which was incorporated into the decree and required husband to support child and to provide child's health insurance. The agreement also provided for regular visitation between husband and child, which husband has continually exercised.

Petitioner did not take any action to claim paternity until the fall of 1988, six years after child's birth. Then, at petitioner's suggestion, he, mother, and child voluntarily submitted to blood tests, the results of which indicated a probability above 97% that petitioner was child's biological father. In March 1989, petitioner instituted this action.

After a three-day hearing, the trial court entered a judgment holding that there was a parent and child legal relationship between husband and child. The court found that petitioner was child's biological father, but that it was in child's best interests to continue the parent and child relationship between husband and child. This appeal followed.

I.

At the outset, and contrary to husband's contention, we conclude that petitioner's claim is not barred by the five-year statute of limitations now contained in §19-4-107(1)(b), C.R.S. (1995 Cum. Supp.).

Section 19-4-107(1) (b) is a statute of limitations applicable to actions brought by the child, the mother, a man who is presumed to be the father by virtue of §l9-4-105(1)(a), (l)(b) and (l)(c), C.R.S. (1995 Cum. Supp.), and certain governmental agencies to declare the nonexistence of a father and child relationship presumed to exist by virtue of §19-4-105(1) (a), (1) (b) and (1) (c). These fatherhood presumptions relate to a man who was married to the child's mother at the time of the child's birth; or who, together with other acts or circumstances, attempted a solemnized marriage with the child's mother either prior to or following the birth of the child which is or could be declared invalid.

Petitioner is not a person or entity to whom or to which the five—year limitation applies. More particularly, petitioner is not a man whose fatherhood is presumed pursuant to Colo. Sess. Laws 1987, ch. 138, §19-4-105(1)(a), (1)(b), or (l)(c).

Petitioner claims a presumed status pursuant to §19-4-105(1) (f) in that the result of blood tests do not exclude him as a probable father and the probability of his parentage is 97% or greater. Petitioner is, therefore, an "interested party" who can commence an action to establish a father and child relationship at any time prior to the child's eighteenth birthday. Colo. Sess. Laws 1987, ch. 138, §19-4-107(2); and Colo. Sess. Laws 1987, ch. 138, §19-4-108.

Husband asserts that, before petitioner can establish his own parent and child relationship by virtue of a presumption, petitioner must first obtain an order declaring the nonexistence of his presumed parent and child relationship. Therefore, petitioner's action is subject to the five-year limitation of §19-4-107(1)(b) and is barred. We disagree.

The five-year statute relates to actions to declare the nonexistence of the father and child relationship by a man who is a presumed father by virtue of marriage or attempted marriage. The Uniform Parentage Act does not require that one man's presumed paternity by marriage or attempted marriage be disestablished before an action to assert a parent and child legal relationship by another man based on a different presumption or basis can be commenced. Indeed, §19-4-105(2) specifically contemplates that a child may have more than one presumed father and provides criteria for determining which of two presumed fathers will have a parent and child relationship without elevating one presumption over the other.

Husband relies in part on M.R.D. v. F.M., 805 P.2d 1200 (Colo. App. 1991), in which, a division of this court held that the five-year statute barred an action by the mother and presumed father by marriage to establish a parent and child relationship between the child and the biological father. The court reasoned that the presumed father by marriage must first disestablish his own status before he could assert the presumed status of the biological father. In this instance, however, the presumed biological father is attempting to assert his own paternity, not that of another, and he is not, as was the case in M.R.D., attempting to avoid the five-year limitation or the strong presumption in favor of legitimacy. See R. McG. v. J.W., 200 Colo. 345, 615 P.2d 666 (1980).

Husband's reliance on People in Interest of M.P.R., 723 P.2d 743 (Colo. App. 1986) is, in our view, misplaced. In M.P.R., the biological father commenced a proceeding eleven months after birth of a child who also had a presumed father

by marriage. The court held that eleven months was a reasonable time under what is now §19-4-107(l)(b). To the extent, if any, that case held that actions initiated by biological fathers to establish their parent and child relationship are limited by §19-4-107(1)(b), we disagree with the analysis and decline to follow it.

II.

Petitioner argues that the trial court erred in retaining the parent and child relationship between child and husband. We perceive no error.

The trial court found petitioner was a presumed father of the child pursuant to Colo., Sess. Laws 1987, ch. 138, §19-4-105(1)(f) and §13-25-126, C.R.S. (1987 Repl. Vol. 6A), i.e., he was the biological father. The court also found that husband was a presumed father by virtue of Colo. Sess. Laws 1987, ch. 138, §19-4-105(1) (a), i.e., he was married to the natural mother at the time of birth, and by virtue of Colo. Sess. Laws 1987, ch. 138, §19-4-105(1)(e), i.e., he had acknowledged his paternity.

The trial court then, in our view, correctly applied §19-4-105(2), C.R.S. (1995 Cum. Supp.), which provides:

> A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man. (emphasis added)

The trial court in its paternity order made a number of findings of fact with record support before concluding that the parent and child relationship between husband and child should continue.

The child, who was nine at the time of the paternity order, was tentatively diagnosed as suffering from attention

deficit disorder and hyperactivity. Experts testified that the boy was immature and not ready to hear that the man whom he believed to be his father, in fact, was not. And, the trial court noted the dire consequences to the child if he were so told.

Mother testified that she did not have any long-term relationship with petitioner. Further, the trial court found that the child had bonded with his mother and husband and that it should not tamper with those relationships.

The trial court noted that, at the request of husband, the child's birth certificate lists husband as the father. It further noted that paternity, though not contested, was an issue in the dissolution of marriage proceedings between mother and husband and that the decree found the child to have been born as an issue of the marriage and entered appropriate support and visitation orders.

The public policy of Colorado favors legitimacy. See R. McG. v. J.W., supra. That policy is expressed in the presumption of paternity accorded to a man married to the mother at the time of the child's birth. See §19-4-105(1) (a); M.R.D. v. F.M., supra; People in Interest of S.L.H., 736 P.2d 1226 (Colo. App.1986). Among the reasons for favoring legitimacy are the dire consequences to the child involved in changing the father and child relationship. People in Interest of S.L.H., supra.

Under the facts as found by the trial court and because of the public policy favoring legitimacy, we find that the trial court did not abuse its discretion in continuing the parent and child relationship between child and husband. The court's ruling was not manifestly arbitrary, unreasonable, or unfair. See generally People v. Milton, 732 P.2d 1199 (Colo. 1987).

III.

Petitioner next argues that he was denied equal protection of the laws, but he has provided neither convincing legal authority nor argument in support of this assertion. See Biel v. Alcott, 876 P.2d 60 (Colo. App. 1993). We, therefore, do not address it.

IV.

Petitioner also argues that he was denied due process of law because he was not made a party to the 1982 child support proceeding commenced by the Boulder County Department of Social Services against husband, seeking reimbursement of funds contributed to the support of the child. We disagree.

While petitioner does not state why this argument is germane to his claim, it appears that he wishes to avoid the implications of the last sentence of §19-4-105(2), which provides that "[t]he presumption is rebutted by a court decree establishing paternity of the child by another man." In making this argument, petitioner ignores the decree of dissolution of marriage entered February 8, 1983, to the same effect, having arguably the same import, and which was relied upon by the trial court.

From our review of the trial court's order, it did not rely on the 1982 child support proceeding in reaching its findings, conclusions, and order. Therefore, we need not address the issue further.

V.

Petitioner also appeals the trial court's denial of his summary judgment motion under C.R.C.P. 56 to establish a parent and child relationship between himself and the child. We see no merit in this contention.

Under C.A.R. 1, subject to exceptions not here present, this court may review only final judgments. Under the circumstances present here, a party may not appeal the denial of a summary judgment motion, particularly when the case goes to trial after denial of the motion, because it is an unappealable interlocutory ruling and not a final judgment. Manuel v. Fort Collins Newspapers, Inc., 631 P.2d 1114 (Colo. 1981); cf. Jones v. Feiger, P.2d (Colo. App. No. 93CA1709, December 29, 1994)

VI.

Lastly, petitioner appeals the trial court's order regarding attorney fees. We find no merit in his contentions.

Under the Uniform Parentage Act, the trial court is required to order that the parties pay the reasonable fees of counsel, experts, and the guardian ad litem. The court determines in what proportion the parties are to pay those fees. Section 19-4-117, C.R.S. (1995 Cum. Supp.).

Generally, this court will not disturb the trial court's determination of attorney fees in paternity cases unless the court clearly abuses its discretion. Furthermore, there need not be a showing of bad faith to award attorney fees in a paternity action. C.R.A.H.. by Pueblo County Department of Social Services v. P.M.M., 647 P.2d 239 (Colo. App. 1981).

The trial court in its order made factual findings regarding attorney fees and costs and the record amply supports its determination. Again, we find no abuse of discretion. See People v. Milton, supra.

The judgment is affirmed.

JUDGE DAVIDSON and JUDGE CASEBOLT concur.

APPENDIX B--PATERNITY REHEARING DENIED

THE COURT OF APPEALS OF THE STATE OF COLORADO

Case Number 91CA1628

ORDER

W.C. IN THE INTEREST OF A.M.K. ET AL

Upon consideration of the Petition for Rehearing filed by the Appellant herein, the Petition is hereby DENIED. It is ordered that issuance of the Mandate is stayed to and including February 12, 1996, provided that if a Petition for Writ of Certiorari is timely filed with the Supreme Court of the State of Colorado, the stay shall remain in effect until disposition of the cause by the Supreme Court.

BY THE COURT:

Roy, J.
Davidson, J.
Casebolt, J.

DATED: January 11, 1996

APPENDIX C--PATERNITY WRIT DENIED

SUPREME COURT, STATE OF COLORADO
CASE NO. 96SC77
CERTIORARI TO THE COLORADO COURT OF APPEALS, 91CA1628
DISTRICT COURT, ARAPAHOE COUNTY, 89JV377

ORDER OF COURT

W. C.	Petitioner
In re the Interest of A.M.K.	Minor Child
vs.	
L.M. and R.K.	Respondents

Upon consideration of the Petition and Cross-Petition for Writ of Certiorari to the Colorado Court of Appeals, and after review of the record, the briefs, and the judgment of said Court of Appeals, IT IS THIS DAY ORDERED that said Petition and Cross Petition for Writ of Certiorari shall be, and same hereby are, DENIED.

BY THE COURT, EN BANC, JULY 29, 1996.
CHIEF JUSTICE VOLLACK does not participate.

cc
Walt Chappell, Ph.D.
P.O. Box 776
Wichita, Kansas 67201

Russell B. Sanford
Robert Kabat
Box 608
Ft. Collins, CO 80522

APPENDIX D--COURT REPORTER TAMPERED WITH TRIAL TRANSCRIPT ON APPEAL

OFFICE OF

DISTRICT ATTORNEY

ROBERT R. GALLAGHER~ JR.
DISTRICT ATTORNEY
ROGER H. ALLOTT
ASST. DISTRICT ATTORNEY

18th JUDICIAL DISTRICT
7305 S. Potomac St. STE 300
Englewood, CO 80112-4031
(303)643-4500(P) 643-4501(F)

October 1, 1996

Dr. Walt Chappell
P.O. Box 776
Wichita, KS 67201

Re: Investigation of Tampering with Evidence concerning:
Arapahoe District Court Case 89 JV 377
Colorado Court of Appeals Case 91 CA 1628
Supreme Court 96 SC 77

Dear Dr. Chappell:

Through our investigation of your complaint we have developed evidence to believe that the crime of Tampering with Evidence was committed by former Court Reporter Sandra Kay Noblitt in her preparation of transcripts that were submitted to the Colorado Court of Appeals in Arapahoe District Court case number 89JV377.

This case remains under investigation at this time and determination of filing of criminal charges will be decided after the investigation has been completed.

If you should have any questions regarding your complaint filed in this matter, please feel free to contact me at 303-643-4500.

Very truly yours,

Karen Meskis
Senior Investigator

APPENDIX E---DENIAL WITHOUT PREJUDICE OF MOTION FOR A NEW TRIAL, DATED OCTOBER 24, 1996

SUPREME COURT, STATE OF COLORADO
CASE NO. 96SC77
CERTIORARI TO THE COLORADO COURT OF APPEALS, 91CA1628
DISTRICT COURT, ARAPAHOE COUNTY, 89JV377

ORDER OF COURT

W.C.	Petitioner
In Interest of	A.M.K., Minor Child
v.	
L.M. and R.K.	Respondents

Upon consideration of Petitioner-Appellant's Motion for a New Trial in Arapahoe County District Court filed in the above case, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion be, and the same hereby is, DENIED without prejudice with leave to file appropriate pleading in Arapahoe County District Court.

BY THE COURT, EN BANC, OCTOBER 24, 1996
Judge Vollack does not participate.

s/ Mac V. Danford
Clerk of the Supreme Court

APPENDIX F--DENIAL OF APPEAL FOR A NEW TRIAL

COLORADO COURT OF APPEALS April 23, 1998
No. 97 CA 0666 **NOT SELECTED FOR PUBLICATION**

W.C.	Petitioner-Appellant
In Interest of A.M.K.	A Child
and Concerning R.K.	Respondent-Appellee

Appeal from the District Court of Arapahoe County
Honorable Kenneth K. Stuart, Judge
No. 89CV377

Division II
ORDER AFFIRMED
Opinion by JUDGE CRISWELL
Jones and Taubman, JJ., concur

Allen, Vahrenwald & Johnson, LLC, Russell B. Sanford, Fort Collins, Colorado, for Respondent-Appellee R.K.

In this paternity proceeding, petitioner, W.C., appeals from an order of the trial court denying his post-trial motion seeking a new trial.
We affirm.

In July 1991, after a three-day evidentiary hearing at which petitioner testified and presented other witnesses on his behalf, the trial court entered its order determining that, while petitioner was the biological father of the child who was the subject of this action, it was in that child's best interest that the presumed father, who was married to the child's mother at the time of the birth and who had entered into a continuing parent-child relationship with him, be recognized as the child's father.

Petitioner appealed from that order and a record on appeal was prepared and lodged with this court. However, petitioner complained that the record presented was incomplete. As a result, on two occasions, orders of remand to the trial court were entered for the preparation of any part of the record in the trial court that had not been included in the initial record. Later, the trial court ultimately forwarded an additional reporter's transcript of testimony, containing in excess of 200 pages, that had not been included within the initial record.

Upon receipt of this additional transcript, a division of this court reviewed the record before it, and based upon that review, it affirmed the trial court's judgment. One of the grounds relied upon by the division was that the record supported the trial court's factual determinations. W.C. in Interest of A.M.K., 907 P.2d 719 (Colo. App. 1995).

After that opinion was issued, however, petitioner filed his motion for a new trial with the trial court. In conjunction with its review of that motion, the trial court had the notes of the original court reporter, who was no longer employed by the trial court and who was unavailable to review or to transcribe her notes, reviewed by other court reporters. This review led to the discovery that there had been substantial testimony taken by the trial court in the original

hearing that had not before been transcribed and which had, therefore, not been made a part either of the initial record on appeal or of the supplement later forwarded to this court. Such testimony, therefore, had not been considered by the division that had rendered the opinion in W.C. in Interest of A.M.K., supra.

This additional evidence consisted of a large portion of petitioner's testimony, as well as the testimony of an expert witness who testified on his behalf. Based upon its review of this new transcript, however, the trial court concluded that its absence was not prejudicial to petitioner and that, had it been included within the previous record provided to this court, its presence would not have changed the result reached in petitioner's previous appeal. Hence, the trial court denied petitioner's motion for new trial from which denial petitioner is prosecuting the instant appeal.

I.

While petitioner's motion referred to the grounds for a new trial described in C.R.C.P. 59(d)(1), (3), and (4), if petitioner's motion is treated as one filed under that rule, it would be untimely. See C.R.C.P. 59(a); Schuster v. Zwicker 659 P.2d 687 (Colo. 1983)

However, the trial court treated petitioner's motion as one filed under C.R.C.P. 60(b) and addressed the merits of his contentions. We shall do likewise.

II.

We have conducted our own independent review of the newly transcribed testimony. That review convinces us that, contrary to petitioner's assertion, the failure to include a transcript of this testimony in the prior record on appeal did not prejudice him.

A complete transcript is not an absolute necessity in the reviewing court. Almarez V. Carpenter, 173 Colo. 284, 477 P.2d 792 (1970) . If the transcript presented permits review of the dispositive issues on appeal, the record is sufficient even if it is incomplete. Goodwill Industries v. Industrial Claim Appeals office, 862 P.2d 1042 (Colo. 1993)

Here, as the trial court noted, that court had heard and considered all of the testimony that was presented to it, including that portion of the testimony that has only recently been transcribed. Indeed, the trial court's initial decision makes clear that it had considered petitioner's evidence, but had rejected substantial portions of it on credibility grounds.

It might reasonably be concluded that some of the evidence in the new transcript contradicts evidence relied upon by the trial court in reaching its initial decision. However, even if the discovered portion of the transcript is contradictory of other evidence in the record, that evidence is not such that it would, as a matter of law, have required the trial court to reach an opposite conclusion. At most, it created a conflict either in the evidence before that court or in the reasonable inferences to be drawn from the evidence. In either case, the resolution of any conflict is for the trial court. People in Interest of M.S.H. 656 P.2d 1294 (Colo. 1983)

An appellate court has authority to review a trial court's findings only to the extent necessary to ascertain whether there is some evidence, albeit disputed, that supports those findings. If so, the appellate court must affirm the trial court's determination. Gebhardt v. Gebhardt, 198 Colo. 28, 595 P.2d 1048 (1979)

Here, in petitioner's former appeal, it was determined that there was evidence in the record to support the trial court's paternity determination. That evidence remains. Hence, even if there were found to be evidence in the newly prepared transcript that conflicted with the evidence relied upon by the trial court, such conclusion could not serve as the basis for a reversal of the trial court's determination.

In short, we agree with the trial court's most recent conclusion that, while the failure of the original court reporter to prepare a proper and complete transcript of the hearing was not only regrettable, but indeed irresponsible, that failure was not prejudicial to petitioner -- the result of petitioner's first appeal would have been the same even if the total transcript had been included within the original record on appeal.

III.

Petitioner also contends that a new trial is warranted because (1) he was surprised by a motion to exclude his witnesses made on the first day of trial; (2) the trial court was biased against him, engaged in ex-parte communications with the respondents, and denied his motion to recuse, thereby depriving him of a fair trial; (3) the respondents' withholding of the results of R.K.'s blood tests for more than a year was a fraud on the court; (4) the child's complete school record and mother's custody evaluation, which were admitted into evidence and/or contained in the court's file, but were not reviewed by him until after the trial, constitute newly discovered evidence; and (5) the trial court's denial of his request to present rebuttal evidence constitutes a fraud on the court. Again, we disagree.

To the extent that his motion alleged grounds for relief under C.R.C.P. 60(b) (1) and 60(b) (2), it is untimely. See Southeastern Colorado Water Conservancy District v. Cache Creek Mining Trust, 854 P.2d 167 (Colo. 1993)

Further, all of the foregoing allegations concern matters which shou1d have been discovered and raised in petitioner's initial appeal on the merits. Hence, they cannot constitute grounds for post-judgment relief.

IV.

Finally, we decline to address petitioner's assertions with respect to the trial court's application of §19-4-105, C.R.S. 1997, its order denying his motion for summary judgment, and its order regarding attorney fees. These issues were fully addressed and resolved by this court in the previous appeal. See W.C. in Interest of A.M.K., supra.

V.

Lastly, we disagree with the contention that the instant appeal is frivolous and groundless. Therefore, we deny the request to impose sanctions upon petitioner pursuant to C.A.R. 38(d)

The order is affirmed. JUDGE JONES and JUDGE TAUBMAN concur.

APPENDIX G--DENIAL OF NEW TRIAL--J. JONES WOULD GRANT

THE COURT OF APPEALS OF THE
STATE OF COLORADO
Case Number 97CA666

ORDER

W.C. in the Interest of A.M.K. v. R.K.

Upon consideration of the Petition for Rehearing filed by the Petitioner/Appellant herein, the Petition is hereby DENIED. JUDGE JONES WOULD GRANT.

It is ordered that issuance of the Mandate is stayed to and including SEPTEMBER 14, 1998, provided that if a Petition for Writ of Certiorari is timely filed with the Supreme Court of Colorado, the stay shall remain in effect until disposition of the cause by the Supreme Court.

DATED: AUGUST 13, 1998

BY THE COURT:
Criswell, J.
Jones, J.
Taubman, J.

APPENDIX H---VACATE THE DENIAL OF PETITION FOR REHEARING OF NEW TRIAL MOTION, DATED AUGUST 27, 1998

COLORADO COURT OF APPEALS, 97CA0666
DISTRICT COURT, ARAPAHOE COUNTY, 89JV377

ORDER OF COURT

W.C. Petitioner

In Interest of A.M.K., Minor Child

v.

L.M. and R.K. Respondents

The order denying Petitioner's Petition for Rehearing, dated August 13, 1998, was issued inadvertently and without full consideration by the division.

Hence, that order of denial is **HEREBY VACATED** and a new order respecting this subject shall issue in due course.

Dated this 27th day of August, 1998.

BY THE COURT:

Criswell, J.
Jones, J.
Taubman, J.

APPENDIX I---DENIAL OF PETITION FOR REHEARING, DATED NOVEMBER 19, 1998

THE COURT OF APPEALS OF THE STATE OF COLORADO

Case Number 98CA0666

ORDER

W.C. IN THE INTEREST OF A.M.K.,

Upon consideration of the Petition for Rehearing filed by the Petitioner-Appellant Modified and as Modified, the Petition is hereby DENIED. It is ordered that issuance of the Mandate is stayed to and including December 21, 1998 provided that if a petition for Writ of Certiorari is timely filed with the Supreme court of the State of Colorado, the stay shall remain in effect until disposition of the cause by the Supreme Court.

BY THE COURT:

Criswell, J.
Jones, J.
Taubman, J.

Dated: November 19, 1998

APPENDIX J---DENIAL OF PETITION FOR WRIT OF CERTIORARI, DATED APRIL 12, 1999

SUPREME COURT, STATE OF COLORADO
CASE NO. 98SC870
CERTIORARI TO THE COLORADO COURT OF APPEALS, 97CA0666
DISTRICT COURT, ARAPAHOE COUNTY, 89JV377

ORDER OF COURT

W.C. Petitioner

In Interest of A.M.K., Minor Child

v.

L.M. and R.K. Respondents

Upon consideration of the Petition for Writ of Certiorari to the Colorado Court of Appeals, and after review of the record, the briefs, and the judgment of said Court of Appeals,

IT IS ORDERED that said Petitioner for Writ of Certiorari shall be, and the same hereby is, DENIED.

BY THE COURT, EN BANC, APRIL 12, 1999

s/ Mac V. Danford
Clerk of the Supreme Court

APPENDIX K---DENIAL OF MOTION TO RECONSIDER, DATED APRIL 30, 1999

SUPREME COURT, STATE OF COLORADO
CASE NO. 98SC870
CERTIORARI TO THE COLORADO COURT OF APPEALS, 97CA0666
DISTRICT COURT, ARAPAHOE COUNTY, 89JV377

ORDER OF COURT

W.C.	Petitioner
In Interest of	A.M.K., Minor Child
v.	
L.M. and R.K.	Respondents

Upon consideration of the Motion to Reconsider filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion shall be, and the same hereby is, DENIED.

BY THE COURT, APRIL 30, 1999

s/ Mac V. Danford
Clerk of the Supreme Court